

**REMARKS**

The applicants note that this application is a U.S. National Stage Application of PCT/EP03/03980 (WO 2003-091228). A lack of unity of invention was made in the PCT application which divided the claims into three groups (claim 1-10, claim 11-16 and claim 17). At the very least, claims 1-10 should be examined together as there is no reason as to why the claims should be differently divided given the original lack of unity of invention which was made under the same standards which govern the present application.

The applicants also traverse the lack of unity of invention for the claims represented by Groups I-IV as the single general inventive concept which ties each of the inventions together is ultimately directed toward the process of making the compounds of formula (I).

The compound of formula (VIII) and the process of making thereof (Group II - claims 9 and 10) are related to Group I as being intermediates of step (b2) in the process of making the compounds of formula (I).

The process of making the compounds of formula (II) - (Group III - claims 11-14) which are disclosed in step (a) of claim 1.

The process of making the compounds of formula (IIa) - (Group IV) - claims 15 and 16) are directed toward compounds which are embodiments of the starting material of formula (II) which is used in the process of claim 1.

Lastly, claim 17 is also directed toward the process of making the compound of formula (I) which is a two-step process analogous to steps (b2) and (c) in claim 1.

Therefore, each of claims 9-17 are related to the single general inventive concept, i.e. the process of making the compounds of formula (I) and the lack of unity of invention should be withdrawn.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

By: Howard C. Lee  
Marilyn M. Brogan      Howard C. Lee  
Reg. No. 31,233      Reg. No. 48,104  
Tel. (212) 588-0800